

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN MARTIR,

Plaintiff,

-against-

HUNTINGTON PROVISIONS INC. and DAVID
MOSS,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**
CV 19-2412 (DRH)(AYS)

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated April 29, 2020, recommending that Plaintiff's motion for default judgment be granted and that damages be awarded as follows: (1) unpaid overtime compensation, pursuant to both the FLSA and the NYLL, in the amount of \$4,510.00; (2) liquidated damages, pursuant to both the FLSA and the NYLL, in the amount of \$4,510.00; (3) \$10,000.00 in damages for violations of the WPTA; (4) spread of hours damages in the amount of \$1,350.00; (4) attorneys' fees in the amount of \$7,650.00; and (5) costs in the amount of \$550.00, for a total monetary award of 28,570.00, plus post-judgment interest pursuant to 28 U.S.C. § 1961. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the April 29, 2020 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

IT IS HEREBY ORDERED THAT plaintiff's motion for default judgment is granted and plaintiff is awarded damages against defendants jointly and severely as follows: unpaid overtime compensation, pursuant to both the FLSA and the NYLL, in the amount of \$4,510.00; (2)

liquidated damages, pursuant to both the FLSA and the NYLL, in the amount of \$4,510.00; (3) \$10,000.00 in damages for violations of the WPTA; (4) spread of hours damages in the amount of \$1,350.00; (4) attorneys' fees in the amount of \$7,650.00; and (5) costs in the amount of \$550.00, for a total monetary award of 28,570.00, plus post-judgment interest pursuant to 28 U.S.C. § 1961.

The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York
May 26, 2020

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge